

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

KENYATTA TYRONE JAMES,)
)
)
Plaintiff,) No. 4:12-cv-50-TWP-DML
vs.)
)
UNITED STATES BUREAU OF)
ALCOHOL, TABACCO, FIREARM, AND)
EXPLOSIVES (ATF) AGENCY, et al.,)
)
Defendants.)

Entry Directing Further Proceedings

I.

A.

“A complaint must always . . . allege ‘enough facts to state a claim to relief that is plausible on its face.’” *Limestone Development Corp. v. Village of Lemont, Ill.*, 520 F.3d 797, 803 (7th Cir. 2008) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009). A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’ Nor does a complaint suffice if it tenders ‘naked assertion[s]— devoid of further factual enhancement.’ *Id.* (quoting *Twombly*, 550 U.S. at 555, 557).

B.

When jurisdiction is not founded solely on diversity, venue is proper only in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1331(b).

II.

Based on the principles noted in Part I of this Entry, the plaintiff shall have **through July 30, 2012**, in which to (1) state a plausible claim against each of the defendants, and (2) identify the district(s) for the proper venue of this action insofar as the plaintiff asserts claims pursuant to the theory recognized in *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 38 (1971), and explain why proper venue lies in the district(s) identified.

IT IS SO ORDERED.

Date: 07/13/2012

Tanya Walton Pratt
Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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